





# **Family Assistance and Other Legislation Amendment (2008 Budget and Other Measures) Act 2009**

**No. 48, 2009**

**An Act to amend the law relating to family  
assistance and social security, and for related  
purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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**An Act to amend the law relating to family  
assistance and social security, and for related  
purposes**

*[Assented to 24 June 2009]*

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Family Assistance and Other  
Legislation Amendment (2008 Budget and Other Measures) Act  
2009*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	24 June 2009
2. Schedule 1, items 1 to 6	1 July 2009.	1 July 2009
3. Schedule 1, item 7	The day on which this Act receives the Royal Assent.	24 June 2009
4. Schedule 1, items 8 to 15	1 July 2009.	1 July 2009
5. Schedule 1, item 16	The day on which this Act receives the Royal Assent.	24 June 2009
6. Schedule 2	The day on which this Act receives the Royal Assent.	24 June 2009
7. Schedule 3	1 July 2009.	1 July 2009

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Streamlining payment of family tax benefit**

### ***A New Tax System (Family Assistance) Act 1999***

#### **1 Subclause 20(3) of Schedule 1**

Repeal the subclause.

### ***A New Tax System (Family Assistance) (Administration) Act 1999***

#### **2 Subsection 3(1) (paragraph (c) of the definition of *agency*)**

Repeal the paragraph.

#### **3 Subsection 3(1) (paragraph (c) of the definition of *head*)**

Repeal the paragraph.

#### **4 Subsection 3(1) (paragraph (b) of the definition of *protected information*)**

Omit “the Australian Taxation Office or”.

#### **5 Subsection 10(5)**

Repeal the subsection.

#### **6 Section 14**

Before “If,” insert “(1)”.

#### **7 Paragraph 14(b)**

Omit “the income year (the *past period income year*)”, substitute “an income year (the *past period income year*) that is one of the 2 income years”.

#### **8 Paragraphs 14(c) and (d)**

Repeal the paragraphs, substitute:

(c) either or both of subsections (2) and (3) apply;

**9 Section 14**

Omit “the assessment”, substitute “each assessment concerned”.

**10 At the end of section 14**

Add:

- (2) This subsection applies if:
  - (a) the claimant is required to lodge an income tax return for the past period income year; and
  - (b) at the time the claim is made, an assessment has not been made under the *Income Tax Assessment Act 1936* of the tax payable on the claimant’s taxable income for the past period income year.
  
- (3) This subsection applies if:
  - (a) at the time the claim is made, a person is the claimant’s partner and that person was the claimant’s partner at any time during the past period; and
  - (b) that person is required to lodge an income tax return for the past period income year; and
  - (c) at the time the claim is made, an assessment has not been made under the *Income Tax Assessment Act 1936* of the tax payable on that person’s taxable income for the past period income year.

**11 Paragraph 118(1)(d)**

Repeal the paragraph.

**12 Saving—past period family tax benefit claims through the Australian Taxation Office**

The *A New Tax System (Family Assistance) (Administration) Act 1999*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to:

- (a) claims made before that commencement:
  - (i) for payment of family tax benefit for a past period; and
  - (ii) in a form approved by an officer of the Australian Taxation Office for the purposes of subsection 7(2) of that Act, acting under a delegation from the Secretary under section 221 of that Act; and

- (b) decisions made under that Act, in relation to such claims, by officers of the Australian Taxation Office (whether those decisions were made before, on or after that commencement).

**13 Saving—effect of maintenance income on family tax benefit rate**

Despite the repeal of subclause 20(3) of Schedule 1 to the *A New Tax System (Family Assistance) Act 1999* made by this Schedule, that subclause, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to claims made before that commencement.

**14 Saving—protected information**

Despite the amendment made by item 4, paragraph (b) of the definition of *protected information* in subsection 3(1) of the *A New Tax System (Family Assistance) (Administration) Act 1999*, as in force immediately before the commencement of that item, continues to apply on and after that commencement in relation to information obtained (whether before, on or after that commencement) that is or was held in the records of the Australian Taxation Office.

**15 Application—items 6, 8, 9 and 10**

The amendments made by items 6, 8, 9 and 10 apply in relation to claims for payment of family tax benefit for a past period falling in the 2009-10 income year or a later income year.

**16 Application—item 7**

The amendment made by item 7 applies in relation to claims made on or after the commencement of that item.

## **Schedule 2—Review of income management regime decisions**

### ***Social Security (Administration) Act 1999***

#### **1 Paragraph 144(ka)**

Repeal the paragraph.

#### **2 Saving**

Despite the repeal of paragraph 144(ka) of the *Social Security (Administration) Act 1999* made by this Schedule, that paragraph, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to decisions made before that commencement.

## **Schedule 3—Community Development Employment Projects Scheme**

### *Social Security Act 1991*

#### **1 Subsections 1188B(1) and (2)**

Repeal the subsections, substitute:

- (1) If immediately before 1 July 2009 a person was entitled to receive a CDEP Scheme payment under an agreement of the kind referred to in the definition of *CDEP Scheme provider* in subsection 23(1), the person is a *CDEP Scheme participant* in respect of a day on or after 1 July 2009 if the person is entitled, on that day, to receive such a payment under such an agreement.

Note: For *CDEP Scheme payment* see subsection 23(1).

#### **2 Subsection 1188B(3)**

Repeal the subsection.

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*[Minister's second reading speech made in—  
House of Representatives on 18 March 2009  
Senate on 15 June 2009]*

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(36/09)